



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

EPA-HQ-SFUND-1986-0005 [FRL-9742-9]

National Oil and Hazardous Substances Pollution Contingency Plan;

National Priorities List: Partial Deletion of the Torch Lake Superfund Site

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule: notice of intent.

SUMMARY: The Environmental Protection Agency Region 5 is issuing a Notice of Intent for Partial Deletion of the Isle Royale Stamp Tailings and Michigan Smelter Tailings parcels of OU3 and the Mason Sands parcel of OU1 of the Torch Lake Superfund Site (Site) located in Houghton County, Michigan, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). EPA and the State of Michigan, through the Michigan Department of Environmental Quality (MDEQ), have determined that all appropriate response actions under CERCLA have been completed. However, this deletion does not preclude future actions under Superfund.

This partial deletion pertains to the surface tailings, drums and slag piles of Isle Royale and Michigan Smelter tailings parcels of OU3 and the Mason Sands parcel of OU1. The following parcels will remain on the NPL and are not being considered for deletion as part of this action: Dollar Bay, Point Mills, Calumet Lake Tailing, Boston Pond Tailings, North Entry and Quincy Smelter.

DATES: Comments must be received by [insert date 30 days from date of publication in the *Federal Register*].

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-SFUND-1986-0005, by one of the following methods:

- <http://www.regulations.gov>: Follow online instructions for submitting comments.
- E-mail: Nefertiti DiCosmo, Remedial Project Manager, at dicosmo.nefertiti@epa.gov or David Novak, Community Involvement Coordinator, at novak.david@epa.gov
- Fax: Gladys Beard, NPL Deletion Process Manager, at (312) 697-2077.
- Mail: Nefertiti DiCosmo, Remedial Project Manager, U.S. Environmental Protection Agency (SR-6J), 77 West Jackson Boulevard, Chicago, IL 60604, (312) 886-6148; or Dave Novak, Community Involvement Coordinator, U.S. Environmental Protection Agency (SI-7J), 77 West Jackson Boulevard, Chicago, IL 60604, (312) 886-7478 or (800) 621-8431.
- Hand deliver: Dave Novak, Community Involvement Coordinator, U.S. Environmental Protection Agency (SI-7J), 77 West Jackson Boulevard, Chicago, IL 60604. Such deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. The normal business hours are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding federal holidays.

Instructions: Direct your comments to Docket ID No. EPA-HQ-SFUND-1986-0005.

EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any

personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> website is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information may not be publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in the hard copy. Publicly available docket materials are available either electronically at <http://www.regulations.gov> or in hard copy at:

- U.S. Environmental Protection Agency – Region 5
77 West Jackson Boulevard

Chicago, IL 60604

Phone: (312) 353-1063

Hours: Monday, through Friday, 8:30 a.m. to 4:30 p.m., excluding federal holidays.

- Lake Linden/Hubbell Public Library

601 Calumet Street,

Lake Linden, MI 49945

Phone: (906) 482-0698

Hours: Monday, Wednesday and Friday, 8:00 a.m. to 4:00 p.m., Tuesday and

Thursday 6:00 p.m. to 8:00 p.m.

FOR FURTHER INFORMATION CONTACT: Nefertiti DiCosmo, Remedial Project Manager, U.S. Environmental Protection Agency (SR-6J), 77 West Jackson Boulevard, Chicago, IL 60604, (312) 886-6148, or dicosmo.nefertiti@epa.gov

SUPPLEMENTARY INFORMATION:

In the “Rules and Regulations” section of today’s *Federal Register*, we are publishing a direct final Notice of Partial Deletion of the Isle Royale Tailings and Michigan Smelter Tailings parcels of OU3 and Mason Sand parcel of OU1 of the Torch Lake Superfund Site without prior Notice of Intent for Partial Deletion because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this deletion in the preamble to the direct final Notice for Partial Deletion, and those reasons are incorporated herein. If we receive no adverse comment(s) on this deletion action, we will not take further action on this Notice of Intent for Partial Deletion. If we receive adverse comment(s), we will withdraw the direct final Notice for Partial Deletion, and it will not take effect. We will, as appropriate, address all

public comments in a subsequent final Notice of Partial Deletion based on this Notice of Intent for Partial Deletion. We will not institute a second comment period on this Notice of Intent for Partial Deletion. Any parties interested in commenting must do so at this time.

For additional information, see the direct final Notice of Partial Deletion which is located in the “Rules and Regulations” section of this *Federal Register*.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, and Water supply.

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Dated: September 19, 2012.

Susan Hedman,
Regional Administrator,
Region 5.

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